

## **Minutes of the Kansas Sentencing Commission Meeting March 11, 2005**

The Honorable Ernest L. Johnson, Chairman, called the Kansas Sentencing Commission meeting to order on March 11, 2005, at 1:30 p.m. The meeting was held in the Senate Room of the Jayhawk Tower Building, Topeka, Kansas.

### **Attendance**

Members: Honorable Ernest L. Johnson, Chairman; Honorable Eric Rosen; Honorable Christel Marquardt; Senator John Vratil; Senator Greta Goodwin; Representative Janice Pauls; Roger Werholtz, Secretary of Corrections; Marilyn Scafe, Kansas Parole Board; Annie Grevas, Director of Community Corrections, 28<sup>th</sup> Judicial District; Chris Mechler, Office of Judicial Administration; Kathleen Lynch, Private Defense Attorney; Dr. Donald Jackson, Public Member; Jaime Richardson, Public Member. Staff: Patricia Biggs, Executive Director; Julia Butler, Staff Attorney; Kunlun Chang, Research Director; Fengfang Lu, Research Analyst; Lora Moison, Research Analyst; Heidi Zimmerman, Research Analyst; Brenda Harmon, Administrative Assistant; Janice Brasher, Grant Administrator; Marty Schmiedeler, Accountant. Guests: Honorable W. Lee Fowler, District Judge, Lyon/Chase Counties; Gordon Lansford, Director, Kansas Criminal Justice Information Systems; Diane Bergman, President/CEO, The Consortium, Inc.; Roger Haden, Deputy Secretary, Kansas Department of Corrections; Sandi Fry, Program Consultant, Kansas Department of Corrections; Kristi Bilyew-Drewel, Program Consultant, Kansas Department of Corrections; Tim Liesmann, Student, Kansas University School of Law; Jennifer Dalton, KSC temp/Key Staffing.

### **Approval of the Minutes**

The Chairman referred to the minutes of the January 21, 2005, Kansas Sentencing Commission conference call. A motion was made to approve the minutes by Mr. Roger Werholtz and seconded by Ms. Marilyn Scafe. The motion carried.

### **Journal Entries/PSIs: KCJIS Project Opportunities**

Mr. Gordon Lansford, Director of the Kansas Criminal Justice Information System, presented an overview of the history and current projects for Commission members. A handout was provided. The main KCJIS component consists of a large data base which is a statewide criminal history repository, a fingerprint system, an internet server, a statewide message switch, help desk and a public access server. This is protected by a network security system. Communications systems including KBI, Department of Corrections, Kansas Courts System, Highway Patrol, local agencies such as sheriff, police, probation, parole, etc. and the National Crime Information Center access this data.

Among several other current projects, KCJIS is working on developing the Journal Entry of Judgment and related documents to be available electronically to the Sentencing Commission and Department of Corrections. The Honorable Ernest Johnson, the Honorable Richard Ballenger and Ms. Patricia Biggs are working with the full court and

prosecutors system on this project. KCJIS hopes to deliver a fully automated system in 2006, with data collected along the way from law enforcement, prosecutors and the courts and electronically sent to DOC and KSC. This will eliminate the data entry requirements currently needed.

### **2003-Senate Bill 123 Drug Court Operationalization in 5<sup>th</sup> Judicial District**

The Honorable W. Lee Fowler, 5<sup>th</sup> Judicial District, discussed the operationalization of SB 123 in the form of a Drug Court in Lyon and Chase Counties. A Drug Court Participant Handbook was provided to Commission members. Their Drug Court is a court operated treatment program. One of the primary motivators Judge Fowler had in speaking to the Commission was a letter KSC had sent to everyone stating the Cognitive Skills had to be integrated into their treatment program and not tacked-on as a separate program. Judge Fowler is petitioning KSC to allow the 5<sup>th</sup> Judicial District to run the dual track "Thinking for a Change," as well as the regular treatment, due to the success rate they are achieving with their drug court program.

Ms. Kristi Bilyew-Drewel and Ms. Sandi Fry, with the Department of Corrections, handle some of the certification for drug treatment providers under SB 123. They visited the 5<sup>th</sup> Judicial District Drug Court Program to make a determination as to whether or not the required tools are in the other treatment program. Ms. Fry visited with Commission members about their positive findings.

Commission members discussed whether the Lyon County Program should be approved to continue with the process they now have in place offering "Thinking for a Change" and treatment as two separate and distinct tracts (although they are sharing information between the two). An estimate of this impact would be around \$100-300 per person. This is the only program (of those that have requested exceptions) that has the court's involvement.

Senator John Vratil made a motion that the Sentencing Commission make a determination based upon the evidence presented today that the Lyon County Drug Court Treatment Program is an integrated program and they are entitled to maintain their certification, and following Legislature completing the budget process, this situation will be reviewed again. The Honorable Eric Rosen seconded the motion. The motion carried. This item will be placed on the next Commission Agenda for review.

### **2003-Senate Bill 123 Operations Update**

#### **Budget Status**

Ms. Biggs provided an update on the House Appropriations Bill Adjustments for FY 2005-2007 budgets. Final budget adjustments will not be known until the end of the Legislature Session.

#### **Senate Bill 162**

A handout on SB 162, which concerns attempt, conspiracy, solicitation and out of state offender changes under SB 123, was also discussed.

### Manual Update

The Guidelines Manual may be impacted by a \$12,000 decrease in the printing budget. This may require a fee for manuals, or fewer being printed.

### 2003-Senate Bill 123 Utilization Review

Discussions were held at past Commission meetings on durations that were identified for the different treatment modalities under SB 123 and whether they were caps or averages. In an effort to handle this concern, it was decided to investigate some kind of utilization review process whereby some of the outliers for exceptionally long or exceptionally short treatment durations could be reviewed. Ms. Biggs introduced Ms. Diane Bergman, CEO/President of The Consortium, Inc., who provided information while this option was being researched. Ms. Bergman discussed a service The Consortium could provide which would periodically review random invoices and/or medical files received by the Sentencing Commission for drug treatment services under SB 123. This would ensure people are receiving the appropriate service are getting adequate treatment, with no differentiation in the level or quality of service. Two handouts were provided.

A motion was made by Representative Janice Pauls and seconded by Ms. Chris Mechler to allow the Sentencing Commission to explore this further, and consider contracting with The Consortium for one three-month period at \$100 per hour to conduct the study described in the proposal. Money used for payment to The Consortium will be out of the SB 123 Fee Fund (offender reimbursements and insurance proceeds from SB 123 participants). Following a discussion by Commission members, the motion carried. (There was discussion, although not articulated in the motion, to limit this to \$5,000-\$6,000 for this three-month review period.)

### 2005 Legislative Update

Ms. Julia Butler provided an update on the Bill Tracking Summary she provided to Commission members.

### Senate Bill 45 “3-R” Committee Update

The Honorable Christel Marquardt provided an update on recent progress with the SB 45 Kansas Criminal Recodification, Rehabilitation and Restoration Project Committee. A mental health expert will be hired to consult with the Committee on the mental health side. Their biggest problem at this point is funding. Their next meeting is scheduled in April.

### Reentry Policy Conference – Wichita

Mr. Roger Werholtz discussed the Reentry Policy Conference scheduled for April 18<sup>th</sup> in Wichita. Commission members will be receiving an invitation to attend this Legislative Policy Conference, and are strongly encouraged to attend. The Governor, Senator Brownback, and the Council of State Governments are bringing in a number of people to present information. There will be a chance to work on developing state policy for reentry. Mileage will be paid for Commission members to attend.

The Honorable Christel Marquardt made a motion that the Sentencing Commission co-sponsors this Conference. No financial support is needed. Senator John Vratil seconded the motion. Following a discussion, the motion carried.

### **Juvenile Justice Authority Incarceration Projections Update**

Ms. Biggs provided a summary on recent events concerning the JJA Projections. The data they provided was not completely accurate, which caused projections to be overstated as a whole and invalid. It is too late to redo the projections. The Sentencing Commission is currently working with JJA to upgrade the quality of the data received from JJA, so projections can be accurate.

### **Johnson County Pilot Project**

Ms. Marilyn Scafe discussed the need to reconvene the Subcommittee on the Johnson County Pilot Project. Two volunteers are needed to replace original members no longer here. Jaime Richardson and Chris Mechler volunteered to work with original members Annie Grevas, Representative Janice Pauls, The Honorable Ernest Johnson, Patricia Biggs and Marilyn Scafe.

### **Executive Session**

Chairman Johnson made a request to go into Executive Session to discuss matters of personnel. Commission staff was dismissed. Senator John Vratil made a motion and the Honorable Eric Rosen seconded to approve the personnel issue discussed while in Executive Session. The motion carried. Chairman Johnson brought the meeting out of Executive Session.

### **Impacts**

Representative Janice Pauls requested the Sentencing Commission cut back on prison bed Impact Statements, due to the large volume of staff time it requires. She will check on requirements with Fiscal Notes. Senator Greta Goodwin agreed to help look at a way to streamline the prison bed Impacts.

### **Next Meeting**

The next Commission meeting was scheduled for Thursday, May 19<sup>th</sup>, at 1:30 pm. The meeting was adjourned.